

upwardly adjacent said transparent front wall portion so as to display said ticket strips to said customer as said tickets move towards said outlet;

(e) said top wall of said housing having a generally planar section at least as large as a typical bank check for said customer to write a bank check thereon; and

(f) electronic means for indicating the number of tickets dispensed from said dispenser and storing said number in a computer memory means for use in accounting for ticket dispensing from said dispenser structure;

wherein said transparent front wall portion is pivotally coupled to said housing to open outwardly from said housing and permit access to the inside of said housing, said rear wall being pivotally coupled to said housing to permit access to said inside of said housing from said clerk side.

REMARKS

This is responsive to the Final Office Action dated April 24, 2001 in which the Examiner issued a detailed restriction requirement restricting the application to one of seven inventions under 35 U.S.C. § 121. Applicant hereby elects the claims of Group III with traverse.

The Examiner's restriction requirement is improper at least in regard to the separation of Groups II thru IV, product claims 26-32. Each of these claims is drawn to "a countertop ticket display dispenser structure". The Examiner states that the inventions of these claims are distinct inventions (i.e., subcombinations) because the

inventions of each group do not require the specific details of each other group for patentability as evidenced by the omission of the respective features of the other groups from those claims.

The claims are not drawn to separate and distinct "subcombinations". Applicants have merely claimed different features of the same invention in separate claims. The countertop ticket display dispenser structure of claim 26, for example, is not disclosed in this application as "usable together with" the countertop ticket display dispenser structure of claims 27-32. Dependant claims 27-32 simply recite additional features of the same invention.

Therefore, Applicant has added new, independent claim 40 herein that includes all of the features of the invention of claims 26-32. As such, new claim 40 is properly included in the Group III elected claims because it is, inter alia, drawn to a dispenser with a specific housing configuration. Moreover, Applicant respectfully asserts that linking claim 40 as well as claims 26-32 are directed to one invention for examination in this case.

In the present application, claims which are each directed to a combination of elements forming a "countertop ticket display dispenser structure" and cannot be properly interpreted as "subcombination" claims within meaning of the MPEP and 35 U.S.C. § 121. Applicants therefore respectfully submit that only one invention is being claimed, at least as respects claims 26-32 and 40, even though various patentable features of the invention are recited in each of the claims. Applicants therefore further

Appl. No. 09/738,234

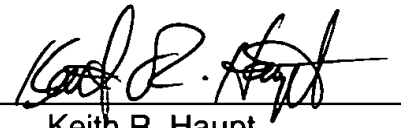
submit that claims 26-32 and 40, being directed to different features of the same invention, are required to be examined together.

Moreover, the restriction states that the claims of Groups II and III are classified in class 225, subclass 32 and 39, respectively. Applicant respectfully asserts that examination and searching of the claims in these groups is appropriate and not unduly burdensome on the Examiner since entire class 225 is assigned to the Examiner's Art Unit (3274) according to the PTO's Manual of Classification (December 1996 Edition, Revision 7, June 2000).

Applicant has amended claims 26-32 herein solely to bring them into more conformance with the specification. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached pages are captioned "**Version with markings to show changes made.**"

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By 
Keith R. Haupt
Reg. 37,638

2700 Carew Tower
Cincinnati, Ohio 45202
(513) 241-2324
FAX (513) 421-7269
K:\INLO\33B2\election and pre amend.wpd

VERSION WITH MARKINGS TO SHOW CHANGES MADE

26.(AMENDED) A countertop ticket display dispenser structure for dispensing tickets comprising:

(a) a housing having [side walls] a front wall, a rear wall and a top wall, and a ticket dispensing ticket outlet;

(b) a store checkout counter having a counter top with a customer side [at which customers can stand,] for a customer and a clerk side [at which] for a clerk [can stand];

(c) said top wall of said housing having a flat section at least as large as a typical bank check with a surface [to enable a person] for said customer to write a bank check on it;

(d) said housing having a transparent [side] front wall portion through which said tickets can be seen from said customer side and a rear [side] wall portion in which said outlet [opening] is located; and

(e) said housing being mounted adjacent said counter top with said front [side] wall facing said customer side, and said rear [side] wall [portion] facing said clerk side, and said top wall [within easy reach of a] accessible to said customer [standing] at said customer side of said counter.

Appl. No. 09/738,234

27.(AMENDED) A dispenser structure as in Claim 26 including structure inside said housing for storing and holding said tickets so as to be visible through said transparent [side] front wall portion, and for guiding said tickets towards said [ticket] outlet.

28.(AMENDED) A dispenser structure as in Claim 26 in which said checkout countertop has an edge at said customer side, and a rail extending above said edge, and in which said transparent [side] front wall portion extends over said rail [closely] adjacent said edge.

29.(AMENDED) A dispenser structure as in Claim 26 in which said tickets are strip-form gaming tickets, a plurality of strips of said tickets being located and displayed side-by-side in said housing so as to be exposed to [the view of] the customer through said transparent [side] front wall portion.

30.(AMENDED) A dispenser structure as in Claim 26 in which said transparent [side] front wall portion is [hinged] hingedly coupled to said housing to open outwardly from said housing to permit access to the inside of said housing, said rear [side] wall being [hinged] hingedly coupled to permit access to said inside of said housing from the [rear of said housing] clerk side.

31.(AMENDED) A dispenser structure as in Claim 29 including [an outlet] a plurality of said outlets, one for each of said strips, each outlet being located near said top wall of said housing, including guide means for guiding the passage of said strips upwardly adjacent said transparent front [side] wall portion so as to display said ticket strips to said customer[s] as said tickets move towards said outlets.

32.(AMENDED) A dispenser structure as in Claim 26 including electronic means for indicating the number of tickets dispensed from said dispenser structure and storing said number in computer memory for use in accounting for ticket dispensing from said dispenser structure.

40.(NEW) A countertop ticket display dispenser structure for dispensing tickets comprising:

(a) a store checkout counter having a countertop with a customer side for a customer and a clerk side for a clerk;

(b) a housing having a front wall, a rear wall and a top wall, a portion of the front wall being transparent through which a plurality of tickets in the housing can be seen from said customer side;

wherein said housing includes structure therein for storing and holding said tickets so as to be visible through said transparent front wall portion;

wherein said tickets are strip-form gaming tickets, a plurality of strips of said tickets being located and displayed side-by-side in said housing so as to be exposed to the customer through said transparent front wall portion;

(c) said housing being supported upon said countertop with said front wall facing said customer side, and said rear wall facing said clerk side, and said top wall being accessible to said customer from said customer side of said counter;

said checkout countertop having an edge at said customer side, and a rail extending above said edge, said transparent front wall portion extending over said rail adjacent said edge;

(d) a plurality of ticket outlets each being located in the rear wall and associated with one of said strips, each outlet being located proximate said top wall of said housing and including guide means for guiding the passage of one of said strips upwardly adjacent said transparent front wall portion so as to display said ticket strips to said customer as said tickets move towards said outlet;

(e) said top wall of said housing having a generally planar section at least as large as a typical bank check for said customer to write a bank check thereon; and

(f) electronic means for indicating the number of tickets dispensed from said dispenser and storing said number in a computer memory means for use in accounting for ticket dispensing from said dispenser structure;

wherein said transparent front wall portion is pivotally coupled to said housing to open outwardly from said housing and permit access to the inside of said housing, said

Appl. No. 09/738,234

rear wall being pivotally coupled to said housing to permit access to said inside of said housing from said clerk side.